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6 UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
8

9 PENSION PLAN FOR PENSION TRUST
10 FUND FOR OPERATING ENGINEERS;
11 F.G. CROSTHWAITE and RUSSELL E.
12 BURNS, as Trustees,
13

Plaintiffs,

14 vs.
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16 ACME CONCRETE PUMPING, INC., a
17 Nevada corporation; TEDESCO PACIFIC
18 CONSTRUCTION, INC., a Nevada corporation;
19 TEDESCO LEASING, LTD., a Nevada limited
liability company; TRUCK & EQUIPMENT
CENTER, LLC, a Nevada limited liability company;
PACIFIC RIM COMMERCIAL CONCRETE, INC.,
a Nevada corporation; GREGORY TEDESCO, as
trustee of the GREGORY AND LORA TEDESCO
FAMILY TRUST; LORA TEDESCO, as trustee
of the GREGORY AND LORA TEDESCO
FAMILY TRUST; and DOES 1-20,

20 Defendants.
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Case No. 3:12-cv-04410-JSW

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
AND TO MOVE CASE MANAGEMENT
CONFERENCE**

Date: May 31, 2013

Time: 1:30 pm

Courtroom 11, 19th Floor

Judge: The Honorable Jeffrey S. White

22 IT IS HEREBY STIPULATED AND ORDERED, by and between the parties hereto, through
23 their respective counsel of record, that the Case Management Conference scheduled in this matter
24 to occur on May 31, 2013, be continued, to permit the parties additional time to move forward with
25 mediation in an effort to resolve this dispute. On May 6, 2013, the parties conducted a mediation
26 with Ann Julius, the Court-appointed mediator assigned to this matter on appeal to the Ninth Circuit
27 Court of Appeals. Representatives from the Defendants were in attendance, as well as counsel for
28 the Defendants and personal counsel for Gregory and Lora Tedesco. Russell E. Burns, a named

1 Plaintiff trustee, was also in attendance with counsel. The parties made significant progress at this
 2 mediation, but feel that additional limited discovery will bolster settlement discussions. Because no
 3 discovery scheduling order has been issued in this matter, the parties wish to proceed with limited
 4 pre-scheduling order discovery in an effort to save time and money to determine early on in this case
 5 if settlement is possible. With this in mind, the parties hereby stipulate to continue the Case
 6 Management Conference currently scheduled to occur on May 31, 2013.

7 The Case Management Conference in this matter was originally scheduled to take place on
 8 January 18, 2013. On November 21, 2012, after Defendants filed a Motion to Compel Arbitration
 9 in this matter, Plaintiffs filed a Request to Continue Case Management Conference, in light of
 10 Defendants' Motion to Compel Arbitration. (Docket # 37). The Court granted Plaintiffs' request,
 11 continuing the Case Management Conference to March 22, 2013. (Id.). After the parties filed a
 12 Joint Case Management Statement on March 14, 2013, noting that the parties were going to engage
 13 in a mediation session in later April or early May of 2013, the Court unilaterally continued the Case
 14 Management Conference until May 31, 2013. (Docket # 48). After engaging in mediation with Ann
 15 Julius on May 6, 2013, the parties feel that additional limited discovery will assist the parties in their
 16 efforts to resolve this matter short of proceeding through litigation. Therefore, in accordance with
 17 LR 6-2 and LR 7-12, the parties stipulate as follows:

18 **I. Plaintiffs have conducted the following discovery:**

19 1. Served initial disclosures on Defendants pursuant to FRCP 26(a) on March 14, 2013.
 20 2. Reviewed documents produced to Plaintiffs voluntarily by Defendants for purposes
 21 of mediation (which will constitute Defendants' initial disclosures pursuant to FRCP 26(a) as soon
 22 as Plaintiffs execute the stipulated protective order Defendants forwarded to Plaintiffs in April of
 23 2013).
 24 3. Participated in mediation on May 6, 2013 with mediator Ann Julius.

25 **II. Defendants have conducted the following discovery:**

26 1. Served document disclosures on Plaintiffs, which will constitute Defendants initial
 27 disclosures made pursuant to FRCP 26(a) as soon as Plaintiffs executed the stipulated protective
 28 order Defendants forward to Plaintiffs in April of 2013;

2. Reviewed Plaintiffs' initial disclosures made pursuant to FRCP 26(a).
3. Participated in mediation on May 6, 2013 with mediator Ann Julius.

III. The Parties will Conduct Additional Discovery in Furtherance of Mediation as Follows:

1. A deposition in the nature of a debtor's exam of Lora Tedesco, a shareholder and officer of the Defendant companies, also named as a Defendant in her capacity as a trustee of the Gregory and Lora Tedesco Family Trust, currently scheduled to occur on June 17, 2013 in San Francisco, commencing at 10:00 am.

2. Defendants will produce the following additional documents:

- (A) Personal tax returns for Gregory and Lora Tedesco for the last four years;
- (B) Bank statements for each named Defendant for the last four months;
- (C) Bank statements for Gregory and Lora Tedesco for the last four months;
- (D) An asset list for Gregory and Lora Tedesco;
- (E) An asset list for each named Defendant;
- (F) If there are any legal entities that existed at the time Plaintiffs assessed withdrawal liability, documents related to these entities will be produced.

2. A further mediation has been scheduled to take place on July 8, 2013, with mediator Ann Julius in San Francisco, commencing at 10:00 am.

The parties request an extension of the Case Management Conference for a period of 60 days so the parties can continue to explore a resolution of this matter through mediation.

DATED this 21st day of May, 2013.

DATED this 21st day of May, 2013.

SALTZMAN & JOHNSON

LAW OFFICES OF MICHAEL SPRINGER

By: s/ Julie A. Richardson
Julie A. Richardson
Attorney for Plaintiffs

By: s/ John D. Moore
John D. Moore
Attorney for Defendants

1 **ORDER**
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3 **IT IS SO ORDERED, PURSUANT TO STIPULATION**, that the Case Management
4 Conference is hereby continued to August 9, 2013 at 1:30 p.m.. All related deadlines are
5 extended accordingly.
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7 DATED: May 28, 2013
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11 THE HONORABLE JEFFREY S. WHITE
12 UNITED STATES DISTRICT JUDGE
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